

Mono County Planning Commission

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MINUTES

Feb. 13, 2003

(Adopted April 10, 2003)

COMMISSIONERS PRESENT: Scott Bush, Rick Kattelmann, Sally Miller, Steve Shipley, Bill Waite
STAFF PRESENT: Scott Burns, CDD director; Greg Newbry, Gerry LeFrancois & Keith Hartstrom, senior planners;
Mike Garcia, compliance specialist; Mark Magit, deputy county counsel; Evan Nikirk and Denice Hutten, Public
Works; C.D. Ritter, commission secretary

1. **OPENING OF MEETING:** Chair Bill Waite called the meeting to order at 10:14 a.m.
2. **PUBLIC COMMENT:** No comment.
3. **MEETING MINUTES:** Review and approve minutes of last meeting. **MOTION:** Adopt the minutes of Jan. 9, 2003, as submitted. (Kattelmann/Bush. Ayes: 4-0. Abstain: Miller)
4. **ELECTION:** Nominate Commissioner Waite as chair. (Bush/Miller. Ayes: 4-0. Abstain: Waite) Nominate Commissioner Kattelmann as vice chair. (Miller/Shipley. Ayes: 4-0. Abstain: Kattelmann)
5. **CONSENT AGENDA: APPROVAL OF FINAL TRACT MAP 37-47B/Haber**
Planner Keith Hartstrom presented maps for examination. **MOTION:** Approve Final Tract Map 37-47B/Haber. (Bush/Kattelmann. Ayes: 5-0) Haber said he plans to keep the property in the family.
6. **WORKSHOPS**

A. **PLAN CHECK PROCESS:** Building Official Bob Floyd

State code requires that all plans be engineered and stamped by a licensed architect or engineer. Architects/engineers, however, have protested an unlicensed person checking their work. Mono County Counsel indicated that a licensed engineer must check all building plans due to potential liability. There are no staff engineers, so plans are sent to an outside plan check agency, where a licensed engineer stamps them with regard to snow load, etc. Realistically, Floyd indicated, turnaround time by a plan check agency matches up with the time line of handling plans internally. Mono County does not act as a middleman between architects/engineers and the plan check agency. Plans are sent via overnight delivery, so corrections are usually in hand within a couple weeks. Delays generally are due to failure of proponents to respond to corrections. The main problem is that builders can't question staff at the counter.

Commissioner Bush was told that some plans in the Walker area had been held up more than a year. In contrast, Nevada plan checks happen fast. Do plans with redlines need to be redrawn? Floyd explained that if redlined plans were allowed as an approved set, there might be confusion. In most cases, the Building Division is the scapegoat because it has no control over how long it takes engineers to redo plans. Plans belong to the engineer who affixes his stamp, so legally the Building Division can't mark on those plans. And, occasionally plans come back with something overlooked.

Commissioner Shipley wondered whether the plan-check process is mandatory. Floyd indicated that it's necessary because of potential liability. Commissioner Shipley asked, "Why not just accept the engineer's stamp? Why the extra process?" Floyd replied that even if he sends out a correction letter, it still goes to an engineer. Commissioner Shipley noted the lag time for one correction could be two to three weeks, even four weeks in the busy season. Commissioner Miller asked if Mono County bears the cost of plans sent out. Yes, Mono gives a portion of the plan check fee. What's the reality of hiring staff engineers? Floyd indicated that \$20,000-\$25,000 spent on plan checks couldn't fund an engineer. Adding that sum to a staff salary might make it worthwhile. Inspector Dave Thompson has a degree in engineering, and could fill the position soon.

In response to Commissioner Bush's query, Floyd indicated that engineered plans have been required for about nine years. Somebody had to provide engineered plans even prior to that, though. The only real difference is that now engineers must have a stamp. Commissioner Bush asked if people could send out their own plans. Yes, and the timeline might change only a couple days. Commissioner Shipley cited the complaint of repeated redlines. If plans are looked at multiple times, they seem to get more redlines. Floyd indicated that people expect plans to come back clean, but they don't. Then there can be another lag, even months, to get them back. Floyd noted that the great majority of times, plan checkers do not add new corrections; the owners just did not address the original corrections.

In the past, Mono County was lax, sometimes approving plans right at the desk. The problem was potential liability. Commissioner Shipley thought the change from lax to more stringent was drastic. Commissioner Waite noted that the situation is better now, but the biggest complaint is new corrections on returned plans. Commissioner Bush called it a never-ending deal. Commissioner Waite asked if there is a limit on how many times plans can go back and forth. Why not just do it all at once? Floyd responded that it's a matter of finding the right people to do thorough but not overly stringent plan checks. Commissioner Shipley suggested training contractors. When someone does his own plans, one correction item can kick them back and slow the process. Mono County has the ability to send plans out instead of relying on one in-house person to check several hundred sets of plans. Contractors and engineers/architects need education on facilitating the process. Floyd said some people do not want to go through the process, and nothing will make them happy about it.

B. POTENTIAL GENERAL PLAN AMENDMENTS, Senior Planner Greg Newbry

Newbry indicated that the staff's goal is to identify issues/problems and to get potential direction from the Planning Commission, as the General Plan can be amended only four times a year.

1. **CARGO CONTAINERS RESOLUTION:** A 1985 Planning Commission resolution set policy for authorizing the use of cargo containers. These containers are considered buildings, so a permit may be required, but containers do not have to meet the structural requirements of building code. Compliance Specialist Mike Garcia has received complaints on the visual impact of cargo containers.

Curt Van Nest, High Sierra Containers in Bishop, said cargo containers have been lumped together with semi truck trailers. He primarily sells new containers painted to match adjacent buildings. Some of the colors shown were light, and Commissioner Bush reminded that Scenic Highway standards prefer dark, nonreflective colors that blend. Containers are allowed in conjunction with an active building permit and are often used for storage during building. The containers provide security on construction sites, cutting down on vandalism and theft, plus providing insurance breaks. Van Nest has found a huge demand for them, and he can move containers in very little time. He wants to work within the rules. Planner Keith Hartstrom commented that the suggested \$500 security deposit for containers has never been used or required.

In the Tri-Valley area, containers are often used for tack sheds costing about \$2,000. Building a structure could take months and cost much more. Many people do not have money to build. Van Nest noted that Hantavirus is a problem in older buildings, so people want to buy sealed units. Commissioner Waite suggested the Tri-Valley RPAC discuss horse tack sheds. Newbry thought the matter should go to all RPACs in order to consider countywide standards, not just community standards. Commissioner Shipley asked

whether containers fall under the jurisdiction of building. Newbry replied that containers are required to meet building code. As per discussion with the building official, Garcia suggested treating containers as metal buildings without a foundation or structural calculations, requiring a one-time inspection for setbacks, etc.

Van Nest said Inyo County classifies containers as metal buildings, as they can be stacked high atop each other without collapse. In Inyo, a plot plan and permit take three to five days, cost \$102, and are back in a week. The city of Bishop, however, requires a conditional use permit, a fee of \$500, and a minimum of three months processing.

Commissioner Waite suggested updating the standards in the Planning Commission resolution for consideration to add to the General Plan, holding RPAC meetings, and OK'ing containers for construction sites. Newbry said temporary use is more lenient. He said he would obtain copies from other jurisdictions.

Van Nest said he placed a container in Chalfant near the modular home of a CHP officer who was denied a Certificate of Occupancy till the container is removed. Garcia recommended going through the permit process for a container.

2. DEVELOPMENT STANDARDS – PARKING, CHAPTER 06

Newbry indicated parking issues would be ongoing, with periodic updates. Intern Joe Villacci is conducting a parking survey, inventory and analysis in Lee Vining now and in June Lake later. Burns proposed an in-lieu fee of \$5,000 to \$20,000 into a parking fund. Commissioner Bush suggested dissuading people from requesting more than 25% parking reduction. Commissioner Waite suggested that planning staff handle the first 25%, based on common sense, and Burns requested the option of sending problematic requests to the Planning Commission. Commissioner Bush suggested approval of 25% for a year, then revisit if complaints ensued.

Commissioner Miller asked whether parking should be based on business volume instead of building size. It would protect neighbors from a waiver that led many people to park on their street. Hartstrom suggested parking based on seating capacity for restaurants, square footage for retail. Commissioner Miller noted that no parking exists at Lee Vining Market, which was grandfathered in as noncompliant. What if square footage increased? Burns indicated that the current parking waiver process has no criteria. Recommendation: 1) Have staff handle first 25% parking reduction requests, but refer controversial requests to Planning Commission for interpretation and recommendation, and 2) Grant second 25% for a limited term, with a public hearing.

3. SUBDIVISION REQUIREMENTS FOR LOT SIZE AND SHAPE

Planner Keith Hartstrom mentioned the width/depth ratio on Topaz Lane. Parcels are restricted with regard to well, septic and house. Rectangular lots allow more flexibility, but “bowling alley” lots are not desirable. More consideration ought to be given to larger acreage. In subdivisions, look at frontage and keep a reasonable depth. Commissioner Bush asked if there's a minimum width and property size. Hartstrom noted that some lots run uphill with unusable portions. Unusable land at back is OK. Maybe a usable portion of property could be created in compliance with the 3:1 ratio. Commissioner Shipley suggested a minimum width with no maximum. Commissioner Waite predicted subdividers would opt for maximum lots. Spending time on the 3:1 ratio could preclude the opportunity to create better lots. Consensus was to change the wording on the width-depth ratio from “shall” to “should.” Commissioner Kattelman called the ratio arbitrary. Newbry noted that cookie-cutter subdivisions have become the American norm in recent years.

4. DENSITY AND CLUSTERING

Clustering density would leave open space. For example, the developer of a 100-acre parcel on the shore of Mono Lake could create a postage-stamp lot for a house, with open space scattered throughout the property. New thinking for developers and engineers might involve building pads with open space. Newbry said there are no great incentives currently. There's only so much flat area that's desirable for building. Put houses on smaller configurations, and leave the balance open. Newbry suggested creating economical incentives for

clustering, such as increased density. Burns noted that clustering could have kept the wetland area open at Sierra Springs in Crowley Lake and provided more units. Hartstrom suggested it's a mindset to create individual lots vs. a pad and preserve the rest of the property. An example would be creating 114 building sites instead of lots on Tomajko's property at Crowley Lake. Or, perhaps 135 buildings, with half open space.

5. SETBACKS

Newbry suggested allowing balconies to extend into a front-yard setback. The county has tried to deal with deviation. Commissioner Shipley suggested the *eave* should be 5' from the side or rear property line, not the building. Newbry noted June Lake has many substandard lots. If an eave extends 30" more, it can almost touch an adjacent property eave. Commissioner Waite suggested looking at the existing neighborhood as well.

Newbry offered to graphically paste eaves onto houses to show the look. Currently, the setback is 20', so balconies could extend 5' into it. Commissioner Waite thought that would basically move the house farther out, giving a commercial look. Commissioner Shipley asked if there is a variance on it now. Newbry said it could, but it's tough. Primarily, it's a June Lake concern. There are no side or rear balconies, so people want balconies out front. Setbacks will be revisited later.

Commissioner Shipley noted that homes are built along Crowley Lake Drive, so what if commercial came in? If the property is zoned SFR, it would be subject to setbacks. Commissioner Bush said if it's SFR, not tied in with business, why not look at SFRs on commercial property? Change zoning by the use. Hartstrom said dealing with setbacks from private road easements, not property line, would be OK for large parcels. Newbry noted that if any front yard on the block had a setback less than 20', someone else could do it, too. Newbry suggested looking at it, cleaning it up. Space between buildings: 04.140. There are already ways of dealing with it, so delete it altogether. Separation between buildings is currently 10', however there's no reason for this. Newbry suggested deleting the separation requirement.

Senior Planner Gerry LeFrancois said Atkinson's White Mountain 39-lot subdivision in Chalfant is controversial, with compliance issues. Zoning is RMH. He built the first phase and got the second approved, but let the map expire, so has started over again. There will be nicer homes with eaves and garages. Completion is six to nine months away.

Commissioner Bush noted that reducing the number of Nevada building permits (mentioned last meeting) has been overruled by a judge, so now will go to the Supreme Court.

ADJOURN MEETING: 12:32 p.m.

Respectfully submitted, C.D. Ritter, commission secretary